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9 COUNTY OF SAN MATEO

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12

13 MENDELSON, FELIX, as trustee for THE  
SHTAIMAN FAMILY TRUST,

14 Plaintiff,

15 vs.

16 COUNTY OF SAN MATEO,

17 Defendant  
18

Case No. 20-cv-05696-AGT

**DEFENDANT SAN MATEO COUNTY'S  
SUPPLEMENTAL BRIEF REGARDING  
POTENTIAL STAY**

**THE HONORABLE ALEX G. TSE**

1 Defendant County of San Mateo (the County) supports a stay of further proceedings in this case,  
 2 until the Ninth Circuit decides in *Ralston v. County of San Mateo*, 21-16489. The Ninth Circuit's  
 3 decision in *Ralston* will not necessarily bind the Court in this matter because there are notable factual  
 4 differences between the two cases. However, it is likely that the Ninth Circuit's decision could inform the  
 5 Court's analysis of the issues presented here in the County's Motion to Dismiss.

6 When deciding whether to stay proceedings until another case is resolved, the court must weigh  
 7 competing interests, including the potential damage that may result from a stay, any hardship to the  
 8 parties in requiring the case to go forward, and "the orderly course of justice measured in terms of the  
 9 simplifying or complicating of issues, proof, and questions of law which could be expected to result from  
 10 a stay." *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005). Here, balancing these interests  
 11 weighs in favor of a stay. The County is not aware of any significant damage to either party that would  
 12 result from delaying the proceedings a few months, pending a decision in *Ralston*. On the contrary,  
 13 requiring the parties to go forward now, when *Ralston* might be instructive if not dispositive, could result  
 14 in wasted time and resources spent on unnecessary litigation. Staying the proceedings in this case until  
 15 the Ninth Circuit issues its decision is likely to benefit both parties and the Court.

16 For the reasons stated above, the County supports a stay pending a decision in *Ralston*.

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 19 Dated: March 14, 2022

Respectfully submitted,

JOHN C. BEIERS, COUNTY COUNSEL

22 By: /s/ Lauren F. Carroll  
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 24 Kimberly A. Marlow, Deputy  
 Timothy J. Fox, Deputy

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 26 COUNTY OF SAN MATEO  
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